



Bob Sahr, Chair
Gary Hanson, Vice-Chair
Jim Burg, Commissioner

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SOUTH DAKOTA
PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.state.sd.us/puc

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

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March 25, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street S.W.
Washington, DC 20554

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Ms. Irene Flannery
Universal Service Administrative Company
2120 L Street N.W., Suite 600
Washington, DC 20037

Re: CC Docket No. 96-45, State Certification of Support for a Non-rural Carrier


Dear Ms. Dortch and Ms. Flannery:

The South Dakota Public Utilities Commission (Commission) hereby states that Qwest Corporation (Qwest), a non-rural incumbent local exchange carrier that is subject to the Commission's jurisdiction, has been certified to receive support pursuant to 47 CFR § 54.313. Qwest filed a request for certification with the Commission which supports Qwest's affirmation that all federal high-cost support provided to it will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Communications Act. The Commission has granted certification to Qwest and has enclosed the Order Granting Certification to Qwest. Qwest's study area code is 395145.

In addition, it is the Commission's understanding that Qwest will be requesting a waiver of the certification deadlines in order to receive support retroactive to January 1, 2004. The Commission supports the granting of any waivers requested by Qwest. This is the first year that Qwest has been eligible to receive high cost support for parts of its service area in South Dakota.

Should you have any questions, please do not hesitate to contact us for further information.

Sincerely,


Robert K. Sahr
Chairman


Gary Hanson
Commissioner

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE REQUEST OF)	ORDER GRANTING
QWEST CORPORATION FOR CERTIFICATION)	CERTIFICATION
REGARDING ITS USE OF FEDERAL)	
UNIVERSAL SERVICE SUPPORT)	TC04-039

On February 27, 2004, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Company) regarding its Request for Certification Regarding its Use of Federal Universal Service Support. The purpose of this filing was to provide information constituting Company's plan for the use of its federal universal service support and to otherwise verify that Company will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. § 254. As a part of its plan, Company listed estimates of the support it expected to receive from the Universal Service Administrative Company (USAC) as well as its estimated costs for the provision, maintenance, and upgrading of facilities and services. An Affidavit was attached to the Request for Certification. Pursuant to 47 C.F.R. § 54.313, a state that desires a non-rural carrier within its jurisdiction to receive future federal universal service support must file an annual certification with the Federal Communications Commission and USAC stating that federal high cost support provided to such carriers within that State will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification requirement applies to various categories of federal universal service support. Support provided under FCC rules will only be made available if the State Commission files the requisite certification pursuant to § 54.313.

On March 4, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of March 19, 2004, to interested individuals and entities. No parties sought intervention.

At its regularly scheduled meeting of March 23, 2004, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 254. The Commission found that the Company is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission voted to approve Company's Request for Certification Regarding Its Use of Federal Universal Service Support. The Commission also stated its support for Qwest's request for any necessary waivers from the FCC that would allow Qwest to receive federal support retroactive to January 1, 2004. It is therefore

ORDERED, that the Company is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. It is

FURTHER ORDERED, that the Commission approves Company's Request for Certification Regarding Its Use of Federal Universal Service Support. It is

FURTHER ORDERED, that the Commission supports Qwest's request for any necessary waivers from the FCC that would allow Qwest to receive federal support retroactive to January 1, 2004

Dated at Pierre, South Dakota, this 25th day of March, 2004.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon	
By	<u>Tina Douglas</u>
Date	<u>3-25-04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner